

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KWIK-SEW PATTERN CO., INC.,

Plaintiff,

Case No. 1:08-CV-309

v.

Hon. Gordon J. Quist

DEREK GENDRON, et al,

Defendants.

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**ORDER DENYING SECOND EMERGENCY MOTION  
BY DEREK GENDRON FOR CLARIFICATION AND DIRECTION**

On October 17, 2008, the court denied defendant Derek Gendron's emergency motion (docket no. 76) for "clarification and direction by this court regarding order setting Rule 16 scheduling order." On the same day this court filed its order denying the motion (docket no. 88), defendant Derek Gendron filed a second and virtually identical motion (docket no. 90). Being an identical motion, it will be DENIED for the same reasons the initial motion was denied.

Further, despite defendant's protestation that he is requesting the court to "assist me," "help me," and "instruct me" in this matter, his protestations ring hollow. In the first order denying this motion (docket no. 88), the court noted that defendants had failed to make any good-faith effort to comply with the order scheduling the Rule 16 Conference. Specifically, they had failed to cooperate with opposing counsel in drafting a Joint Status Report order as required, and had made no attempt to point out where the order scheduling the Rule 16 Conference was confusing to them. In the same order, the court, in unmistakably clear language, required the Gendron defendants to appear at the Rule 16 Conference ("Defendants shall appear in person at the time scheduled for

the Rule 16 Scheduling Conference.”). Notwithstanding this order, both Derek and Lynn Gendron failed to appear for the Rule 16 Scheduling Conference on October 23, 2008, and they made no effort to contact either opposing counsel or the court prior to the conference to explain their absence. In light of this continuing refusal to follow the directions of the court, the court is hard pressed to believe the defendants are being anything but defiant of the court’s authority. Accordingly, defendants Derek and Lynn Gendron are cautioned that continued refusal to follow the court’s orders and the Federal Rules of Civil Procedure may lead to sanctions, including default judgments, being entered against them. *See*, Rule 16, Federal Rules of Civil Procedure.

The motion (docket no. 90) is DENIED.

IT IS SO ORDERED.

Dated: October 24, 2008

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge